

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
State Actions to Achieve Effective Deployment)	CC Docket 94-102
Of E911 Capabilities for Multi-Line Telephone)	DA 04-3874
Systems (MLTS))	

COMMENTS OF NENA

The National Emergency Number Association (“NENA”) hereby responds to the Commission’s invitation to comment in the referenced proceeding.¹ Among other topics, the Notice asked for identification of states that have adopted or are considering legislation on the subject of enhanced access to Public Safety Answering Points (“PSAPs”) from MLTS stations. Such legislation was to be compared with “Model Legislation” that a NENA study group had recommended and which was submitted to this docket four years ago, together with proposed revisions to Parts 68 and 64 of the Rules.²

A matrix of state legislation compiled by NENA from the best of its information may be found at <http://www.nena.org/9-1-1TechStandards/state.htm>. It is more current with respect to laws in force than to legislation pending but not yet enacted. The Model Legislation speaks to coverage of businesses as well as residences, and to other settings that have both business and residential features, such as public and private schools, hospitals and hotels/motels. The NENA matrix indicates where state laws provide only partial coverage. In many cases, the state statutes

¹ Public Notice, DA 04-3874, December 10, 2004; 70 Fed.Reg.2405, January 13, 2005. (“Notice”)

² MLTS Proposal of NENA and APCO, July 24, 2001.

do not, on their face, specify the application to business versus residential settings. In the reply round, we hope to have more information on the entries marked “NS” in the matrix.

In terms of states having even partial enhanced access from MLTS stations, our count of 13 is close to the FCC’s tally of 12 (Notice, 2). At least seven of the states – Colorado, Illinois, Kentucky, Mississippi, Texas, Vermont and Washington – legislated in the mid-to-late 1990s and cannot be considered to have responded to the FCC’s order of last year declining federal action in favor of state initiatives.³ Of the other states where legislation exists or is pending, only Minnesota and Louisiana (effective 2005) have taken up the issue since the 2003 order. Two other states (Florida and Maine) acted in 2003.

It is far from obvious that the Commission’s expectation states would “act expeditiously in this area” (18 FCC Rcd 25340, at ¶50) will be met. Already more than a year has passed with little if any progress. In an ex parte communication of last June, NENA’s Technical Issues Director, Roger Hixson, identified at least three “roadblocks” to state or federal action

- Lack of information about safety impacts,
- Lack of concern or interest,
- Opposition by business.

Suggesting that the first two roadblocks could be overcome by better education of legislators, businesses and users, Mr. Hixson identified “cost” and “complication” (e.g. station location databases) as principal causes for business concern.⁴ Each of these, he said, could be addressed by a “relatively simple and inexpensive” solution that could be prompted by FCC standards influencing “future PBX software.” (Exhibit A, at 1)

³ Report and Order and Second Further Notice, 18 FCC Rcd 25340, 25363 (2003).

⁴ For convenience, the ex parte communication is attached hereto as Exhibit A.

We will read with interest the comments of others to see if Mr. Hixson's perception of causes for slow implementation of MLTS enhanced 9-1-1 is accurate. In our own reply comments, we intend to say more about how the FCC could lead the way to the necessary standards enabling the relatively inexpensive solution.

Respectfully submitted,

NENA

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